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WILLIAM E. GERBER, TRUSTEE OF  
THE WILLIAM E. GERBER LIVING TRUST  
102556-201000  
001-0-00-T

2/22/10 4:31:53  
DK W BK 627 PG 361  
DESOTO COUNTY, MS  
W.E. DAVIS, CH CLERK

APPROVED  
By PDM at 9:51 am, Sep 17, 2008

Do not record above this line.

### TEMPORARY EASEMENT

THE STATE OF MISSISSIPPI

County of Desoto

For and in consideration of Five Hundred and 00-----

-----/100 Dollars

(\$ 500.00 ) the receipt and sufficiency of which is hereby acknowledged,

I/or we, the undersigned hereby grant, sell, convey and warrant unto the Mississippi Transportation Commission for public improvements, grading, sodding, and other construction purposes on Project No. STP-0029-02(013) 102556/201000, a temporary easement through, over, on and across the following described land:

**INDEXING INSTRUCTIONS:** SE 1/4 of the SW 1/4 of Sect. 32, T-2-S, R-7-W,  
Desoto County, Mississippi

The following description is based on the Mississippi State Plane Coordinate System, West Zone, NAD 83/93, grid values, using a combined scale factor of 0.999954285 and a grid to geodetic azimuth angle of (+) 00 degrees 14 minutes 09 seconds developed at the approximate center of Project No. STP-0029-02(013) 102556/201000. It is the intent of this description to convey that portion of grantors property interest lying between the proposed right-of-way lines as defined by said project.

**Commencing** at an iron pin set in a concrete monument recognized as the southeast corner of Section 32, Township 2 South, Range 7 West. Desoto County, Mississippi, said point having a coordinate value of N 1950311.875, E 2410209.071 on the above referenced coordinate system;

Initials

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H. Ramsey

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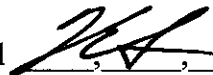
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From said **Point of Commencement** thence North 55 degrees 24 minutes 07 seconds West a distance of 3403.38 feet to a proposed right of way corner, said point being located 220 feet right (southerly) of centerline PC Station 84+81.49, said point having a coordinate value of N:1952244.37, E:2407407.57 on the above referenced coordinate system; thence along the south right of way line of the proposed highway project, South 55 degrees 53 minutes 49 seconds West a distance of 1331.49 feet to a point 220 feet right of centerline station 71+50; thence South 16 degrees 36 minutes 00 seconds East a distance of 177.66 feet to a point 260 feet right (easterly) of the centerline of McIngvale Road; thence along a curve to the right a distance of 435.26 feet, having a radius of 2990 feet, and a chord bearing of South 12 degrees 40 minutes 26 seconds East for 434.60 feet, also having a delta angle of 10 degrees 53 minutes 24 seconds to a point 260 feet right of centerline station 15+25 on McIngvale Road, henceforth this point being hereby designated as the **POINT OF BEGINNING** of the tract herein described;

- From the **POINT OF BEGINNING** thence North 82 degrees 46 minutes 16 seconds East a distance of 40.00 feet to a point 300 feet right (easterly) of the centerline of McIngvale Road at station 15+25;
- thence South 06 degrees 32 minutes 12 seconds East a distance of 57.42 feet to a point 300 feet right (easterly) of the centerline of McIngvale Road at station 14+75;
- thence South 84 degrees 10 minutes 57 seconds West a distance of 40.00 feet to a point on the proposed right of way line of the above referenced project;
- thence along a non-tangential curve to the left a distance of 56.40 feet, having a radius of 2260.00 feet, and a chord bearing North 06 degrees 31 minutes 10 seconds West for 56.40 feet to the **POINT OF BEGINNING**, containing 2270 square feet, more or less, and situated in the Southeast 1/4 of the Southwest 1/4 the of Section 32, Township 2 South, Range 7 West, Desoto County, Mississippi.

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It is understood and agreed, and it is the intention of the parties hereto, that the grantee shall have the right to use, occupy, improve, grade, sod, ditch, drain and otherwise use for construction purposes the above described land only so long as is necessary to complete the construction of said Project No. STP-0029-02(013) 102556/201000, in accordance with the plans and specifications for said project, said plans and specifications however, being subject to change by the Federal Highway Administration. Upon the completion of the said work of construction the said temporary easement shall terminate and all right, title and interest in and to the above described land shall revert to the grantors herein, their heirs, assigns, legal representatives or grantees.

The grantor herein further warrants that the above described property is no part of his/or her homestead.

It is further understood and agreed that the consideration herein named is in full payment and settlement of any and all claims or demands for damage accrued, accruing, or to accrue to the grantors herein, their heirs, assigns, or legal representatives, for or on account of the construction of the proposed highway, change of grade, water damage, and/or any other damage, right or claim whatsoever.

Initial

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It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

Witness his signature \_\_\_\_\_ the 12th day of, AUGUST A.D., 20. 09  
The William E. Gerber Living Trust  
By: William E. Gerber, Trustee

**Grantee, Prepared by and return to:**

Miss. Department of Transportation

Right of Way Division

P. O. Box 1850

Jackson, Mississippi 39215-1850

Phone: 601-359-7512

Account No. STP-0029-02(013) 102556/201000

**Grantor Address:**

6240 Meadowgrove Cove

Memphis, TN 38120

Phone: 1-901-755-6177

Business No. 1-901-487-8905

RETURN TO:

HOLLAMAN M. RANNEY

PO Box 1480

OXFORD, MS 38655

(662) 236-4001

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In the case of persons acting in representative capacities:

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally appeared before me, the undersigned authority in and for the said county and state, on this 12th day of AUGUST, 2009, within my jurisdiction, the within named WILLIAM E. GERBER, who  
*Name of official Representative*  
 acknowledged that (he)(she) is TRUSTEE of  
*Title/Relationship of Representative*  
THE WILLIAM E GERBER LIVING TRUST and that in said  
*Name of Person Being Represented*  
 representative capacity (he)(she) executed the above and foregoing instrument, after first having been duly authorized so to do.

Lloyd T. Everhardt (NOTARY PUBLIC)



My commission expires: \_\_\_\_\_

Initial WEG